

**GEORGIA BOARD OF MASSAGE THERAPY
MINUTES OF BOARD MEETING
November 30, 2006**

The Georgia Board of Massage Therapy board meeting was held on November 30, 2006, 9:00am, at The Professional Licensing Boards division offices located at 237 Coliseum Drive, Macon, Georgia.

The following members were present:

Absent:

Jane H. Johnson, Chairman
Kathy V. Lescak, Vice Chairman
Melony Phillips, Cognizant
Marlene Gaskill, Consumer
Steve Earles

Administrative Staff Present:

Brig Zimmerman, Executive Director, Amanda Allen, Board Secretary, Serena Gadson, Application Specialist II, Yvonne LeSane, Application Specialist, Pam Candler, Application Specialist, Janet Wray, Attorney Generals Office

Public Meeting Attendees:

Gary Lescak, Martial Arts Academy, Inc.
Thomas S. Redfearn
Norman J. Klemmer, Massage Envy
Raleigh McKeaver

Ms. Johnson established that a quorum of the Board was present and called the Boards meeting to order at 9:00 a.m.

Agenda:

Ms. Gaskill moved, Ms. Phillips seconded and the Board approved the Agenda with no corrections required.

Public Hearing - Chapter's 345-1; 345- 4; 345- 5; 345- 6; 345- 2; 345- 3 and 345-7:

Mr. Zimmerman summarized to the attendees the rules of holding a public meeting. He also explained the process of how the Board drafts each rule proposed for adoption by the Board.

Each Board Member introduced their self and detailed their role on the Board. In addition, each public meeting attendee introduced themselves to the Board Members.

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The Board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3) (A) (B) (C) (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Massage Therapy.

Proposed Chapters 345-1, 4, 5, & 6;- Reserved Chapters:

**NOTICE OF INTENT TO ADOPT PROPOSED
RESERVED CHAPTERS TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES
CHAPTERS 345-1, 345-4, 345-5, and 345-6
AND NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Massage Therapy (hereinafter "Board") proposes reserving of chapters for the Georgia Board of Massage Therapy Rules, Chapters 345-1, 345-4, 345-5 and 345-6 (herein after "proposed chapters adoption").

This notice, together with an exact copy of the proposed reserved chapters and a synopsis of the proposed reserved chapters, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed reserved chapters, and a synopsis of the proposed reserved chapters may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 9:25 a.m. on November 30, 2006, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed chapter.

At the public hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on November 23, 2006. Written comments should be addressed to Mollie L. Fleeman, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Massage Therapy, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1633.

The Board will consider the proposed reserved chapters for adoption at a meeting scheduled to begin at 9:45 a.m. on November 30, 2006 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia Board of Massage Therapy has the authority for the proposed reserved chapters adoption pursuant to authority contained in O.C.G.A. §§ 50-13-3.

At its meeting on October 20, 2006 the Georgia Board of Massage Therapy voted that the formulation and adoption of these reserved chapters does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed reserved chapters cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 50-13-3.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. § 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the _____ day of _____, 2006.

Mollie L. Fleeman
Division Director
Professional Licensing Boards Division

Posted: _____

**SYNOPSIS OF PROPOSED RESERVED CHAPTERS TO THE
GEORGIA BOARD OF MASSAGE THERAPY RULES
CHAPTERS 345-1, 345-4, 345-5, and 345-6.**

PURPOSE: The purpose of the proposed reserved chapters is to allow for future chapters to be named, posted and adopted at a later date to be determined, in accordance with O.C.G.A. § 50-13-3

MAIN FEATURES: The main feature of the proposed reserved chapters is to allow the Board time for development of their rules, keeping them in sequential order.

**THE PROPOSED RESERVED CHAPTERS TO THE GEORGIA BOARD OF MASSAGE
THERAPY, CHAPTERS 345-1, 345-4, 345-5, and 345-6.**

NOTE: Underlined text is proposed to be added; lined through text is proposed to be deleted.

Chapter 345-1 Reserved

Chapter 345-4 Reserved

Chapter 345-5 Reserved

Chapter 345-6 Reserved

Authority O.C.G.A. § 50-13-3

Mr. Zimmerman explained the rule to the public attendee's. Ms. Johnson asked if any one had any questions or comments on the rule. No comments were made by anyone in attendance.

Mr. Earles moved, Ms. Phillips seconded, and the Board Voted to Adopt the Proposed Chapters, 345-1, 345-4, 345-5, and 345-6 as posted. With no objections, motion carried.

Rule 345-2, - Organization:

**NOTICE OF INTENT TO ADOPT A PROPOSED
CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES,
CHAPTER 345-2, ORGANIZATION
AND NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Massage Therapy (hereinafter "Board") proposes a chapter for the Georgia Board of Massage Therapy Rules, Chapter 345-2, Organization (hereinafter "proposed chapter adoption").

This notice, together with an exact copy of the proposed chapter and a synopsis of the proposed chapter, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed chapter, and a synopsis of the proposed chapter may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 9:10 a.m. on November 30, 2006, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed chapter.

At the public hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on November 23, 2006.

Written comments should be addressed to Mollie L. Fleeman, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Massage Therapy, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1633.

The Board will consider the proposed chapter for adoption at a meeting scheduled to begin at 9:30 a.m. on November 30, 2006 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia Board of Massage Therapy has the authority for the proposed chapter adoption pursuant to authority contained in O.C.G.A. §§ 43-1-3, 43-1-19, 43-1-25, 43-24A-4, 43-24A-5, 43-24A-6, 43-24A-7, 43-24A-18 and 50-13-3.

At its meeting on September 6, 2006 the Georgia Board of Massage Therapy voted that the formulation and adoption of this chapter does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed chapter cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.G.C.A. §§ 43-1-3, 43-1-19, 43-1-25, 43-24A-4, 43-24A-5, 43-24A-6, 43-24A-7, 43-24A-18 and 50-13-3.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-3, 43-1-19, 43-1-25, 43-24A-4, 43-24A-5, 43-24A-6, 43-24A-7, 43-24A-18 and 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the _____ day of _____, 2006.

Mollie L. Fleeman
Division Director
Professional Licensing Boards Division

Posted: _____

**SYNOPSIS OF PROPOSED CHAPTER TO THE
GEORGIA BOARD OF MASSAGE THERAPY RULES;
CHAPTER 345-2, ORGANIZATION.**

PURPOSE: The purpose of the proposed chapter is to define the organization of the Board pursuant to O.C.G.A. §§ 43-1-3, 43-1-19, 43-1-25, 43-24A-4, 43-24A-5, 43-24A-6, 43-24A-7, 43-24A-18 and 50-13-3.

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MAIN FEATURES: The main feature of the proposed chapter is to define the organization of the Board.

THE PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY, CHAPTER 345-2, ORGANIZATION.

NOTE: Underlined text is proposed to be added; lined through text is proposed to be deleted.

Chapter 345-2 ORGANIZATION

Table of Contents

345-2-.01 Organization of the Board

345-2-.02 Officers

345-2-.03 Meetings of the Board

345-2-.04 Rules and Regulations

All Rules and Regulations pertaining to the administration of the Georgia Board of Massage Therapy shall be administered by the Professional Licensing Boards Division of the Office of Secretary of State under the direction of the Division Director of the Professional Licensing Boards Division, located at 237 Coliseum Drive, Macon, Georgia 31217-3858.

345-2-.01 Organization of the Board

(1) The Georgia Board of Massage Therapy shall consist of five (5) members to be appointed by the Governor with the approval of the Senate. Each member of the Board shall be a resident of this State. Four members shall be professional members and one shall be a consumer member of the Board

(2) The public may obtain information and submit requests at the Office of the Division Director, Professional Licensing Boards Division

AUTHORITY O.C.G.A. §§ 43-1-3, 43-1-25, 43-24A-4, 43-24A-5, 50-13-3

345-2-.02 Officers

The Board shall elect annually from its members a chairperson, vice chairperson, and any other officers as deemed necessary, who shall have the privilege of re-election. The Chair shall preside at meetings of the Board. The Vice-Chair shall preside at meetings in the absence of the Chair

AUTHORITY O.C.G.A. §§ 43-1-25, 43-24A-6 and 50-13-3

345-2-.03 Meetings of the Board

(1) The Board shall meet at least once each year at a time fixed by the Board. In addition, the Board may hold additional meetings at the call of the Chair, or, at the request of any two (2) members of the Board or as approved by the Division Director

(2) Minutes shall be kept of all Board meetings and shall become the official minutes only upon approval by the Board

(3) All meetings of the Board shall be open to the public; provided, however, that the Board may hold Executive Sessions as authorized by law

(4) The Board shall have the authority to:

(a). Examine and determine the qualifications for licensure to practice massage therapy in this state;

(b). Issue, renew, refuse to renew, deny, suspend or revoke licenses to practice massage therapy, or otherwise discipline licensed massage therapists;

(c). Conduct investigations for the purpose of discovering violations to the Act, or grounds for disciplining persons licensed under this chapter;

(d). Hold hearings;

(e). Adopt, revise and enforce rules concerning advertising;

(f). Adopt an official seal;

(g). Bring proceedings to the courts for the enforcement of this chapter or any rules and regulations promulgated pursuant to this chapter.

(5) In addition to the enumerated powers in subsection (4)(a-g) of this rule, the Board has the authority to conduct its business pursuant to the provisions of O.C.G.A. Title 43, Chapter 1.

AUTHORITY O.C.G.A. §§ 43-1-19, 43-1-25, 43-24A-4, 43-24A-7 and 50-13-3

345-2-.04 Rules and Regulations

The Board may promulgate rules and regulations for the conduct of its affairs and for the administration of this Act. Further regulations or amendments will be adopted or amended in accordance with the provisions of the Georgia Administrative Procedures Act.

AUTHORITY O.C.G.A. § §§ 43-1-25, 43-24A-4, 43-24A-18 and 50-13-3

Mr. Zimmerman explained the rule to the public attendee's. Ms. Johnson asked if any one had any questions or comments on the rule. No comments were made by anyone in attendance.

Ms. Phillips moved, Mr. Earles seconded and the Board voted to Adopt the Proposed Rule 345-2, Organization as posted. With no objections, motion carried.

Rule 345-3, - Applications:

NOTICE OF INTENT TO ADOPT A PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES CHAPTER 345-3, APPLICATIONS AND NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Massage Therapy (hereinafter "Board") proposes a chapter for the Georgia Board of Massage Therapy Rules, Chapter 345-3, Applications (herein after "proposed chapter adoption").

This notice, together with an exact copy of the proposed chapter and a synopsis of the proposed chapter, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed chapter, and a synopsis of the proposed chapter may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M.,

Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 9:15 a.m. on November 30, 2006, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed chapter.

At the public hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on November 23, 2006. Written comments should be addressed to Mollie L. Fleeman, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Massage Therapy, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1633.

The Board will consider the proposed chapter for adoption at a meeting scheduled to begin at 9:35 a.m. on November 30, 2006 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia Board of Massage Therapy has the authority for the proposed chapter adoption pursuant to authority contained in O.C.G.A. §§ 43-1-19, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

At its meeting on October 20, 2006 the Georgia Board of Massage Therapy voted that the formulation and adoption of this chapter does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed chapter cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.G.C.A. §§ 43-1-19, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-19, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the _____ day of _____, 2006.

Mollie L. Fleeman

Posted: _____

**SYNOPSIS OF PROPOSED CHAPTER TO THE
GEORGIA BOARD OF MASSAGE THERAPY RULES
CHAPTER 345-3, APPLICATIONS.**

PURPOSE: The purpose of the proposed chapter is to define the application requirements of the Board pursuant to O.C.G.A. §§ 43-1-19, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

MAIN FEATURES: The main feature of the proposed chapter is to define the eligibility requirements of applicants and the applications of the Board.

**THE PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY,
CHAPTER 345-3, APPLICATIONS.**

NOTE: Underlined text is proposed to be added; lined through text is proposed to be deleted.

Chapter 345-3 APPLICATIONS

Table of Contents

345-3-.01 Application for Licensure Prior to July 1, 2007

345-3-.01 Application for Licensure Prior to July 1, 2007

(1). The applicant for licensure as a massage therapist shall submit an application on a form approved by the Board. In addition to the information called for on the form, the applicant must also submit the following:

(a). Three (3) References: Two (2) professional references from practicing massage therapists or instructors from a massage therapy program and one (1) personal reference (excluding immediate family). All references must have known the applicant for two (2) years; however, for applicants who have graduated from a massage therapy program within one (1) year of the date of their application, the professional references must have known the applicant for only a minimum of six (6) months.

(b). Photograph of the applicant. Only a passport type (3X3) photo taken within the past twelve months will be accepted;

(c). Authorization to perform a criminal background check;

(d). The proper fee – see fee schedule;

(e). Verification of having met **one** of the following requirements:

1. Official transcript showing successful completion of a minimum of 500 hours of course and clinical work in massage therapy from a Board recognized educational program; or

2. Official verification from the NCBTMB showing applicant has passed the National Certification Exam for Therapeutic Massage (NCETM) or the National Certification Exam for Therapeutic Massage & Bodywork (NCETMB); or

3. Official verification from another state or jurisdiction that applicant has passed a massage therapy licensing examination (such state or jurisdiction must have license requirements that meet or exceed the licensing requirements for a massage therapist in the state of Georgia); or

4. Official authorization from the NCBTMB to sit for the NCETM/NCETMB; or
5. Official transcript showing graduation from an established state-licensed school for massage therapy indicating a minimum of 500 hours of in-class supervised instruction as follows:
- a. **Enrolled in school prior to June 1, 2005:** 100 in-class clock hours of anatomy/physiology, 200 in-class clock hours in massage therapy and application and 2 in-class hours in ethics, or
- b. **Enrolled in school on or after June 1, 2005:** 125 hours of in-class, supervised instruction in the body's systems and anatomy, physiology and kinesiology; 200 hours of in-class, supervised instruction in massage and bodywork assessment, theory and application; 40 hours of in-class, supervised instruction in pathology; 10 hours of in-class instruction in business and ethics (a minimum of 6 hours of ethics) and 125 hours of additional in-class, supervised instruction in an area or related field that theoretically completes your massage program of study; or
6. Official verification from another state or jurisdiction that the applicant holds an active license to practice massage therapy in such other state or jurisdiction (such other state or jurisdiction must have license requirements that meet or exceed the licensing requirements for a massage therapist in the state of Georgia); or
7. Official verification from a professional massage therapy association that indicates the years of membership by the applicant (applicant must show a minimum of one year of membership prior to the date of application) and the date the professional association was established (such association must be established no later than December 31, 2001), and, includes a copy of the professional association's code of ethics; or
8. Official copy from a local government in the state of Georgia of a business license (prior to July 1, 2005) for the practice of massage therapy (if the applicant is an employee of the business, the applicant must also submit official verification from the employer of employment status), and, a copy of Georgia state income tax return, W2 form(s) or form(s) 1099 for a tax year prior to July 1, 2005 showing income as a massage therapist; or
9. Official transcript showing from an established state-licensed school for massage therapy indicating a minimum of 100 hours of in-class supervised instruction to include massage therapy theory, technique and practice, **and** original appointment book(s) or invoices for massage therapy appointments for ten (10) years preceding the date of application (must indicate hours of service on a weekly basis), **and** copies of income tax returns, W2 form(s), or form(s) 1099 for the ten (10) year period preceding the date of application showing income as a massage therapist; or
10. Official transcript showing from an established state-licensed school for massage therapy indicating a minimum of 200 hours of in-class supervised instruction to include massage therapy theory, technique and practice, **and** original appointment book(s) or invoices for massage therapy appointments for five (5) years preceding the date of application, **and** copies of income tax returns, W2 form(s), or form(s) 1099 for the five (5) year period preceding the date of application showing income as a massage therapist.
11. The Board may deny a license for any of the reasons set forth in O.C.G.A § 43-1-19
12. The Board may request additional verification of any requirements or credentials, as it may deem necessary.

Authority O.C.G.A. § §§ 43-1-19, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

Mr. Lescak presented to the Board his objections and concerns to Rule 345-3 -Applications.

Mr. Zimmerman explained to Mr. Lescak that there are numerous ways to apply for licensure on the Massage Therapy Application. Ms. Johnson addressed Mr. Lescak with further details by

stating that the Board will view each application and students transcripts before approving or denying any one licensure.

With no other comments or concerns addressed by either public attendees or Board Members;

Ms. Phillips moved, Ms. Gaskill seconded, and the Board Voted to Adopt the Proposed Rule 345-3, Applications as posted. With no objections, motion carried.

345-7- Fee's:

**NOTICE OF INTENT TO ADOPT A PROPOSED
CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES CHAPTER
345-7, FEES
AND NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Massage Therapy (hereinafter "Board") proposes a chapter for the Georgia Board of Massage Therapy Rules, Chapter 345-7, Fees (herein after "proposed chapter adoption").

This notice, together with an exact copy of the proposed rule and a synopsis of the proposed chapter, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed chapter, and a synopsis of the proposed chapter may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 9:20 a.m. on November 30, 2006, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed chapter.

At the public hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on November 23, 2006. Written comments should be addressed to Mollie L. Fleeman, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Massage Therapy, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1633.

The Board will consider the proposed chapter for adoption at a meeting scheduled to begin at 9:40 a.m. on November 30, 2006 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia Board of Massage Therapy has the authority for the proposed chapter adoption pursuant to authority contained in O.C.G.A. §§ 43-1-7, 43-24A-8 and 43-24A-14.

At its meeting on September 6, 2006 the Georgia Board of Massage Therapy voted that the formulation and adoption of this chapter does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed chapter cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.G.C.A. §§ 43-1-7, 43-24A-8 and 43-24A-14.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-7, 43-24A-8 and 43-24A-14 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a) (3) (A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the _____ day of _____, 2006.

Mollie L. Fleeman
Division Director
Professional Licensing Boards Division

Posted: _____

**SYNOPSIS OF PROPOSED CHAPTER TO THE
GEORGIA BOARD OF MASSAGE THERAPY RULES
CHAPTER 345-7, FEES.**

PURPOSE: The purpose of the proposed chapter is to define the fee structure of the Board pursuant to O.C.G.A. §§ 43-1-7, 43-24A-8 and 43-24A-14

MAIN FEATURES: The main feature of the proposed chapter is to define the fee requirements of the Board.

**THE PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY,
CHAPTER 345-7, FEES.**

NOTE: Underlined text is proposed to be added; lined through text is proposed to be deleted.

Chapter 345-7 FEES

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345-7-.01 Approved Fees

345-7-.01 Approved Fees

(1). Refer to fee schedule for appropriate fees payable to the Board.

(a). An indebtedness to the Board caused by a returned check will be dealt with in accordance with Code Section 16-9-20 of the Criminal Code of Georgia;

(b). Fees may be reviewed and changed at the discretion of the Board;

(c). Application fees are non-refundable.

(2). Fees may be charged for the following:

(a). Applications for Licensure;

(b). Renewal;

(c). Late/Lapsed Renewal;

(d). Reinstatement;

(e). Duplicate license and/or identification card. If a name change occurs, and the licensee wishes to submit a request for a duplicate card, licensee must submit the request in writing to the Board, and include a copy of either a marriage certificate or court order and the required fee. Name changes occurring during the renewal period may be processed without additional fee if a copy of the marriage certificate or court order is attached to the paper application for license renewal (name change can not be done via on-line renewal process);

(f). License verification;

(g). Wall Certificate; Duplicate Wall Certificate;

(h). Any additional fee the Board deems appropriate.

Authority O.C.G.A. §§ 43-1-7, 43-24A-8 and 43-24A-14

Mr. Zimmerman explained the rule to the public attendee's. Ms. Johnson asked if any one had any questions or comments on the rule. No comments were made by anyone in attendance.

Mr. Earles moved, Ms. Lescak seconded and the Board Voted to Adopt the Proposed Rule 345-7, Fee's as posted. With no objections, motion carried.

Announcements:

Ms. Lescak announced to the Board that she has located and talked with a radio station located in Metter, GA. that has agreed to advertise the Massage Therapy website on air.

Mr. Zimmerman stated that the full Board will have to approve all proposed advertisements/press releases and then it will have to be submitted to the SOS Public Relations Department for review before any advertisements can be released to the public. Ms. Wray, Assistant Attorney General, also emphasized that all advertisements regardless of how it is to be released according to the Secretary of State's current policy must go through the Professional Licensing Board's Legal Department and the Secretary of State's Press Office for review.

Minutes:

Ms. Phillips moved, Ms. Lescak seconded and the Board voted to approve the minutes from the October 20 and October 27, 2006 meeting with corrections.

Correspondence:

Dustin Graham: Letter drafted to Ms. Fleeman disagreeing with the Board's request for Personal References and Professional References. He also addressed concerns in reference to the Criminal Background Checks required by the Board.

Board Response: Board understands the authors concerns regarding the professional and personal references; the Board stands firm with requiring the signature notarization of those providing the reference. In regard to the background check, the Board, in accordance with the

Massage Therapy Practice Act O.C.A.A. 43-24A, ruled it will require a criminal background check via GCIC. There is no financial information or credit history listed on the report. Federal Law does authorize the Board to suspend licenses due to non-payment of child-support and/or default on student loan payments upon notification by the proper agency (i.e. DHR/GHEAC).

Assistant Attorney General, Ms. Wray, asked the Board how many states require references on their applications. Ms. Johnson agreed to research this and present her findings at the next board meeting.

Melissa Wright: Letter addressed to the Board with concerns that her Massage Therapy "License" (i.e. city/county permit) was being classified by City Hall as "Adult Entertainment".

Board Response: Refer to OCGA 43-24A-22; you must have a valid Georgia Massage Therapy license issued by the Board to obtain a business license. The additional "entertainment fees" applied to the cost of such business license are no longer required.

Mark Pickens: E-mailed the Board with concerns on references requested per the Massage Therapy Application, and background check requirements.

Board Response: The MT Board requested correspondence to the author stating that their opinion is very important to this Board and they encourage anyone to write to them any time with questions or concerns they would like the Board to address. In addition, we are requesting the author to review all the MT Rules and the Georgia Law that are located on the Board's website.

Executive Director Report:

Mr. Zimmerman reviewed the following items with the Board.

1. Mr. Zimmerman requested that the Board take the opportunity to review each application presented to them today with the assigned Application Specialist and address any problems or concerns that might arise as they are reviewing the applications.
2. Application's returned due to incompleteness: Do we refund the applicants money? The application fee is non-refundable and is stated as such on the application. Assistant Attorney General, Ms. Wray, suggested to Mr. Zimmerman that he meet with Division Director Fleeman in reference to any refund of application fee's to determine if there may be circumstances where fees may be refunded.
3. Mr. Zimmerman stated he would contact NPEC Director Bill Crews to help disseminate to schools under their jurisdiction information regarding the Board's application for consideration as an approved MT education program by the Board.
4. Mr. Zimmerman requested the Board Members, as they are reviewing the Applications for Licensure as a Massage Therapist, to start an outline of schools they would like him to contact in reference to submitting their applications and supporting documents for consideration to be recognized as official Board Recognized Massage Therapy Educational Programs.

Ms. Lescak moved and Ms. Phillips seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-2(k) (1) (2), 43-1-19(h) (2) & (4), §43-1-2(k) (4) and 50-14-2(1) and to deliberate on the Cognizant Report, Applications and the Attorney General's Report. Voting in favor of the motion were those present who included Board members Earles, Phillips, Lescak, Gaskill and Johnson. The Board concluded Executive Session in order to vote on these matters and to continue with the public session.

Cognizant Report:

The following complaint was received by the administrative staff. As no licenses have been issued to date, Mr. Zimmerman requested the complaint be set up and reviewed as an example of how the cognizant will review complaints in the future.

MT28417: Case Closed. Board does not regulate income

Ms. Phillips moved, Ms. Lescak seconded and the Board voted to close the case.

Applications:

Ms. Gadson reviewed the application process with the Board. Each Application Specialist distributed the applications to the Board members for their review and approval.

Application For Licensure - Massage Therapy - Ms. Gadson advised that the application could use revising in several areas. She detailed which sections needed revising and presented the revisions to the Board. Board agreed with revision changes. Ms. Gadson will revise application and have it posted on the website.

Ms. Phillips moved, and Mr. Earles seconded and the Board voted to take the following action on the applications presented for licensure:

Applications-Approved Pending Receipt of Official Documentation from NCBTMB

JAJ
RM
BIS
RCT
DKU

Applications Approved For Licensure by NCBTMB:

Earles, Steven

Applications-Approved Pending Background Check and Official Documentation from NCBTMB

IBR

Application-Approved Pending Receipt of Recent Passport Photo & Official Transcript from MT School:

MSR

Applications- Approved For Licensure by Official Transcript- 500 Clock Hours:

Johnson, Jane
Moss, Twyla
Kurlinski, Victoria
Peters, Lisa M.

Applications-Approved Pending Official Transcripts-500 Clock Hours:

SJ
YRK
HKL
BL

Application- Approved Pending Verification of Current Membership Into A Professional Massage Therapy Association:

EW

Applications- Approved For Licensure By Massage Therapy Association:

Lescak, Gary
Phillips, Melony F.

Applications-Approved Pending Approval of Massage Therapy Schools:

WJC
DEC
MWE
SAE
ELF
MHG
JLG
LEG
VLH
IS
RAS:
HDS
LMZ

Applications-Approved Pending Licensure By Official Verification of State License:

TO
JLM

Application-Approved By Licensure with Appointment Book, Income Tax, W2:

Lescak, Kathy

Applications-Approved Pending Licensure By Local Government Business License:

RLM

Ms. Phillips moved, and Mr. Earles seconded and the Board voted to Issue Deficiency Letters to the below applicants:

LAA
ELA
DB
SLC

Attorney General's Report:

Assistant Attorney General, Ms. Janet Wray, provided the Board the cited authority to Post Proposed Rule 345-8 Requirements – Board Recognized Massage Therapy Education Program and Notice of Public Hearing.

Ms. Johnson declared the Board out of Executive Session to discuss the proposed posting of Rule 345-8:

Continued Rule Discussion:

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The Board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3) (A) (B) (C) (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Massage Therapy.

**NOTICE OF INTENT TO ADOPT A PROPOSED
CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES:
CHAPTER 345-8, REQUIREMENTS - BOARD RECOGNIZED MASSAGE THERAPY
EDUCATION PROGRAM AND NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Massage Therapy (hereinafter "Board") proposes a chapter for the Georgia Board of Massage Therapy Rules, Chapter 345-8, Requirements – Board Recognized Massage Therapy Education Program (herein after "proposed chapter adoption").

This notice, together with an exact copy of the proposed chapter and a synopsis of the proposed chapter, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed chapter, and a synopsis of the proposed chapter may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 9:10 a.m. on January 5, 2007, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed chapter.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be presented in person. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on December 29, 2006. Written comments should be addressed to Mollie L. Fleeman, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Massage Therapy, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1633.

The Board will consider the proposed chapter for adoption at a meeting scheduled to begin at 9:15 a.m. on January 5, 2007 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia Board of Massage Therapy has the authority to adopt a proposed Chapter 345-8 pursuant to authority contained in O.C.G.A. § 50-13-3 and 43-24A-8.

At its meeting on October 27, 2006 the Georgia Board of Massage Therapy voted that the formulation and adoption of this chapter does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed chapter cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.G.C.A. § 50-13-3 and 43-24A-8.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. § 50-13-3 and 43-24A-8 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the _____ day of _____, 2006.

Mollie L. Fleeman
Division Director
Professional Licensing Boards Division

Posted: _____

**SYNOPSIS OF PROPOSED CHAPTER TO THE
GEORGIA BOARD OF MASSAGE THERAPY RULES;
CHAPTER 345-8, REQUIREMENTS – BOARD RECOGNIZED MASSAGE THERAPY
EDUCATION PROGRAM**

PURPOSE: The purpose of the proposed chapter is to outline the general requirements accepted by the Board regarding massage therapy educational programs pursuant to O.C.G.A. § 50-13-3 and 43-24A-8.

MAIN FEATURES: The main feature of the proposed chapter is to provide information of the acceptable minimum requirements of massage therapy educational programs.

**THE PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY,
CHAPTER 345-8 REQUIREMENTS – BOARD RECOGNIZED MASSAGE THERAPY
EDUCATION PROGRAM.**

NOTE: Underlined text is proposed to be added; lined through text is proposed to be deleted.

Chapter 345-8 Requirements – Board Recognized Massage Therapy Education Program

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345-8-.01 Curriculum Requirements

345-8-.02 Faculty Requirements

345-8-.03 Additional Requirements

345-8-.01 Curriculum Requirements

In order to be a Board recognized massage therapy education program, the program must have a minimum curriculum of five-hundred (500) total clock hours of supervised classroom and supervised hands-on instruction. For purposes of this rule, "supervised" means the supervisor is physically on-site, qualified and immediately available. The minimum required subject matter and activities and the minimum required hours are as follows:

(a) A minimum of one hundred twenty-five (125) hours of in-class supervised instruction in human anatomy, physiology and kinesiology;

(b) A minimum of forty (40) hours of in-class supervised instruction in pathology;

(c) A minimum of two-hundred hours (200) in massage therapy theory, technique and practice, which must include in-class supervised instruction of clinical techniques and hands-on clinical practice and must include, at a minimum, the following subject matters: effleurage/gliding; petrissage/kneading; compression; friction, tapotement/percussion; vibration; direct pressure; superficial warming techniques; pumping; stretching; jostling; shaking; rocking;

(d) A minimum of one hundred twenty-five (125) hours of in-class supervised instruction in contraindications, benefits, universal precautions, body mechanics, massage history, client data collection, documentation, and legalities of massage, professional standards including draping and modesty, therapeutic relationships and communications;

- (e) A minimum of ten (10) hours of in-class supervised instruction in ethics and business (to include a minimum of six (6) hours in ethics); and
- (f) Of the five hundred (500) total clock hours, the curriculum must include a minimum of fifty (50) hours in supervised student clinical practice, but no more than sixty (60) hours in supervised student clinical practice. Nothing in this rule shall be construed to prohibit a massage therapy school that has a curriculum greater than five hundred (500) hours from having more supervised student clinical practice so long as it has at least four hundred and forty (440) hours of in-class supervised instruction.

345-8-.02 Faculty Requirements

- (1) In order to be a Board recognized massage therapy education program, the program must have a faculty that consists of a sufficient number of full and part-time instructors to ensure that the educational obligations to the student are fulfilled. Lab, clinical and community course core (lead) faculty must demonstrate competence in their respective areas of teaching as evidenced by a minimum of 2 years or 2000 hours of experience in their field. Human sciences course core (lead) faculty (anatomy, pathology, physiology) must demonstrate competence in their respective areas of teaching as evidenced by a minimum of 2 years or 2000 hours experience in their field and/or by appropriate degrees/certificates from approved colleges/schools/institutions.
- (2) If a school utilizes faculty assistants, in order to be a Board recognized massage therapy education program, it shall establish and maintain policies that set forth qualifications, duties and procedures for use of these personnel. Faculty assistants shall not be used as substitutes or replacements for regular faculty; shall not be responsible for the overall evaluation of any student; and shall work under the direct supervision of approved faculty.
- (3) In order to be a Board recognized massage therapy education program, the ratio of students to faculty in the lab/clinical/community area shall not exceed 20 students to 1 instructor with no more than 10 student therapists and 10 students serving as clients. Lecture classes are not subject to this ratio.
- (4) On or after June 30, 2007, when student clinical practice is being performed on the general public, the supervising clinical faculty instructor(s) shall hold a current state license, if a state license is required to practice massage therapy in that state.

345-8-.03 Additional Requirements

- (1) In order to be a Board recognized massage therapy education program, the program must require that each student have a minimum grade of 70% in order to receive credit/hours in massage therapy related course and clinical work.
- (2) In order to be a Board recognized massage therapy education program, the program must maintain a written program, philosophy and objectives.
- (3) In order to be a Board recognized massage therapy education program, the program must maintain course outlines or syllabi for all massage therapy courses.
- (4) In order to be a Board recognized massage therapy education program, the program must provide a student handbook.
- (5) In order to be a Board recognized massage therapy education program, the program must maintain permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.

Authority O.C.G.A. § 50-13-3 and 43-24A-8

The Board continued their discussion/development of Chapters/Rules:

The Assistant Attorney General, Ms. Wray, suggested to the Board that their proposed chapter regarding any "Exemptions" from licensure needs to mirror their law and define Massage Therapy.

Ms. Johnson asked Ms. Wray, how do we as a Board assist the investigators with identifying exempted Massage Therapy Practices?

Ms. Wray responded: you write the proposed chapter/rule defining Massage Therapy and state that any one using the word "massage" or offering "massage services" must be properly licensed.

Additional Items Addressed:

School Transcripts

Official Verifications, Official Certificates

License verification from another state

References - must be notarized by the person completing the reference not by the applicant.

Board will need to work on drafting a policy that will allow the Cognizant to submit a complaint directly to the Enforcement Division without the immediate approval of the Board. This policy will only be used if it is determined the public is at risk.

There being no additional business to discuss, Ms. Lescak moved, Ms. Phillips seconded, and the Board voted to adjourn today's meeting at 3:30 p.m.

The Georgia Board of Massage Therapy Board met December 1, 2006, 9:00am, at The Professional Licensing Boards division offices located at 237 Coliseum Drive, Macon, Georgia.

The following members were present:

Jane H. Johnson, Chairman
Kathy V. Lescak, Vice Chairman
Melony Phillips, Cognizant
Marlene Gaskill, Consumer
Steve Earles

Absent:

Brig Zimmerman, Executive Director
Amanda Allen, Board Secretary

Administrative Staff Present:

Serena Gadson, Application Specialist II

The Board planned today's meeting for the continued review of applications as stated on the posted agenda. All applications received were reviewed on the previous days meeting so the Board added the following additional items to today's agenda:

1. Policy defining the word "Massage Therapy"

2. Review/Discussion of Applications received for consideration as a Board recognized massage therapy educational program.
3. List of Schools to be considered as Board Recognized Schools
4. Drafting a letter to the GA Municipalities Association
5. Advertisements
6. Public Service Announcements

Massage Therapy, Defined: Refer to OCGA § 43-24A-19(8)

Applications for Consideration as a Board Recognized Approved Massage Therapy Educational Program:

Rising Spirit, Inc. – Approved pending additional curriculum information

Atlanta School of Massage – Approved

Martial Arts Academy – Determination not able to be made; Request additional information and clarification of school curriculum.

Ms. Gaskill moved, Mr. Earles seconded and the Board voted to approve the above recommendations regarding approved massage therapy educational programs.

GMA Correspondence to be drafted, Discussion on an “Advertisement” chapter/rule and any Public Service announcement development to be further discussed in later meetings.

There being no additional business to discuss, Ms. Phillips moved, Ms. Gaskill seconded, and the Board voted to adjourn today’s meeting at 12:30 p.m.

Minutes recorded by:	Amanda Allen, Board Secretary
Minutes reviewed and edited by:	Brig Zimmerman, Executive Director

Jane H. Johnson, Chair

Brig Zimmerman, Executive Director
Professional Licensing Boards Division

These minutes were approved and signed on: _____.